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In re Application of:  
SUSUMU, Yoshida, et al.  
U.S. Application No.: 10/540,041  
PCT No.: PCT/JP2003/16953  
Int. Filing Date: 26 December 2003  
Priority Date: 27 December 2002  
Attorney Docket No.: IWI-16045  
For: OIL-IN WATER TYPE  
EMULSION COSMETIC  
COMPOSITION

DECISION REGARDING  
RENEWED SUBMISSION UNDER  
37 CFR 1.42

This communication is issued in response to the "Response To Decision On Renewed Papers Filed Under 37 CFR 1.42" filed on 16 July 2007, treated herein as a renewed submission under 37 CFR 1.42. No petition fee is required.

**BACKGROUND**

The procedural background for this application was set forth in the previous decisions mailed by this Office on 16 May 2006, 13 March 2007, and 22 May 2007. These decisions had refused acceptance of applicants' previously filed submissions under 37 CFR 1.42 for failure to satisfy the requirements of 37 CFR 1.42 and 37 CFR 1.497.

On 16 July 2007, applicants' responded to the most recent decision herein by filing the "Response To Decision On Renewed Papers Filed Under 37 CFR 1.42" considered herein.

**DISCUSSION**

The 16 July 2007 submission includes a revised declaration (including supplemental sheet, Form PTO/SB/2LR) that is executed by the three surviving inventors and on behalf of the deceased inventor, Tadashi NAKAMURA, by his "Widow, Sole Heir, and Legal Representative" Keiko NAKAMURA. The declaration includes the information required under 37 CFR 1.42 and 1.497(b)(2). Accordingly, acceptance under 37 CFR 1.42 and 1.497 of the declaration materials filed 16 July 2007 is appropriate.

**CONCLUSION**

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Tadashi NAKAMURA is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 16 July 2007.



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